

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALAN FRIEDLANDER,)	
)	
Plaintiff,)	Case No. 13-cv-05132
)	
v.)	Hon. Judge John J. Tharp, Jr.
)	
NATIONAL CREDIT ADJUSTERS, LLC)	
and DOE 1-5,)	
)	
Defendants.)	

**NATIONAL CREDIT ADJUSTERS LLC’S UNOPPOSED
MOTION TO SET ASIDE AND VACATE DEFAULT JUDGMENT**

Defendant, National Credit Adjusters, LLC (“NCA”), by and through the undersigned counsel, respectfully moves this Court, pursuant to Fed. R. Civ. P. 55(c) and 60(b), to vacate the Order Granting Plaintiff’s Motion for Default Judgment and Attorneys’ Fees entered in favor of Plaintiff Alan Friedlander (“Plaintiff”) and against NCA on October 23, 2013. In support of its Unopposed Motion to Vacate and Set Aside the Order for Default Judgment (the “Motion”), NCA states as follows:

1. Plaintiff filed his Complaint alleging violations of the Fair Debt Collection Practices Act against NCA on July 17, 2013 (Dkt. 1.)
2. Upon Plaintiff’s motion, the Court entered a default against NCA on September 10, 2013. (Dkt. 11.)
3. Subsequently, the Court granted Plaintiff’s Motion for Default Judgment and Attorneys’ Fees on October 23, 2013. (Dkt. 18.) The Order Granting Plaintiff’s Motion for Default Judgment and Attorneys’ Fees (the “Order”), attached hereto as **Exhibit A**, entered judgment in favor of Plaintiff and against NCA in the amount of \$4,247.41. (*Id.*)

4. NCA did not become aware of the Order until on or about January 17, 2014. Upon learning of the Order, NCA contacted Plaintiff on January 20, 2014, the next business day. The parties have agreed to a confidential settlement to resolve the litigation. As part of the settlement terms, Plaintiff has agreed to consent to NCA's motion to set aside and vacate the default judgment. Thus, Plaintiff consents to and does not oppose this Motion.

5. The parties further intend to submit a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) after the Court has ruled on this Motion.

6. Good cause exists to set aside and vacate the Order pursuant to Fed. R. Civ. P. 55(c) and it is also appropriate pursuant to Fed. R. Civ. P. 60(b) because NCA contacted Plaintiff within one business day of learning of the Order and worked diligently to resolve the matter and file the instant Motion. Further, no party will be prejudiced by an Order vacating and setting aside the Order because the parties have agreed to a confidential settlement.

7. Accordingly, NCA respectfully requests that this Court grant its Unopposed Motion to Set Aside and Vacate Default Judgment.

WHEREFORE, National Credit Adjusters, LLC respectfully requests that the Court grant its Unopposed Motion to Set Aside and Vacate Default Judgment and enter an Order setting aside and vacating the October 23, 2013 Order Granting Plaintiff's Motion for Default Judgment and Attorneys' Fees. (Dkt. No. 18.)

Dated: February 12, 2014

Respectfully submitted,

NATIONAL CREDIT ADJUSTERS, LLC

By: /s/ Katharine Lessaris

One of Its Attorneys

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CERTIFICATE OF SERVICE

Katharine Lessaris, one of the attorneys for National Credit Adjusters, LLC, certifies that on February 12, 2014 she served a true and correct copy of the foregoing document upon counsel for Plaintiff by causing said document to be served via electronic filing using the Court's ECF filing system:

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/s/ Katharine Lessaris
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